## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---|
| Application. No: 10/051,268 § | Examiner: Pham, Christine G |
| Filed: January 18, 2002 § | Group/Art Unit: 2192 |
| Inventor(s): § | Atty. Dkt. No: 5150-58300 |
| Sundeep Chandhoke, Nicolas § | |
| Vazquez, David W Fuller and § | |
| Christopher Cifra § | |

Application. No:     10/051,268     §
Filed:     January 18, 2002     §
Inventor(s):     §
    Sundeep Chandhoke, Nicolas     §
    Vazquez, David W Fuller and     §
    Christopher Cifra     §
        §
Title:    System and Method for     §
    Programmatically Generating a     §
    Graphical Program Based on a     §
    Sequence of Motion Control,     §
    Machine Vision, and Data     §
    Acquisition (DAQ) Operations     §

Examiner:          Pham, Christine G
Group/Art Unit:    2192
Atty. Dkt. No:     5150-58300

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated below.

Jeffrey C. Hood

_____    1/27/2006
Signature          Date

## REQUEST FOR PRE-APPEAL BRIEF REVIEW

**ATTN: BOX AF**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated below.

Applicant is in receipt of the Office Action mailed November 28, 2005. Claims 1, 4-28, and 31-45 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks. Please note that for brevity, only the primary arguments directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the dependent claims, will be presented if and when the case proceeds to Appeal.

Claims 1, 4-11, 18-28, and 31-45 were rejected under 35 U.S.C. 102(e) as being anticipated by Limondin et al. (U.S. Patent No. 6,226,783, hereinafter "Limondin"). Applicant respectfully traverses this rejection and submits that Limondin does not teach the subject matter recited in the present claims.

Taking claim 1 as an exemplary claim, the subject matter recited therein relates generally to the field of graphical programming. In the prior art, a user typically manually creates a graphical program by selecting various function nodes or icons and interconnecting them, e.g., by drawing lines or wires between them. The resulting interconnected nodes visually indicate functionality of the graphical program, e.g., visually indicate a function or process performed by the graphical program. The interconnected nodes that visually indicate the graphical program's functionality are referred to as the graphical code for the graphical program.

More particularly, the method of claim 1 comprises receiving user input to specify a sequence of operations. The method further comprises automatically generating a graphical program in order to implement the sequence of operations specified by the user. In other words, the graphical code for the graphical program (i.e., the plurality of interconnected nodes) is automatically generated without direct user input, e.g., as opposed to the user manually creating the graphical program by providing direct user input to create the graphical code for the graphical program.

Thus, the sequence of operations specified by the user, and the graphical program that is automatically generated in order to implement the sequence of operations, are two different things. For example, Figures 6A – 6F illustrate an exemplary graphical user interface with which the user interacts in order to specify a sequence of motion control operations. The user presses the buttons 600 (see Figure 6A) in order to add the desired motion control operations to the sequence. Each motion control operation that has been added to the sequence is represented by a respective icon 604 in the icon strip 602 (see Figure 6A). Figure 6F illustrates the sequence of motion control operations after the user has added four motion control operations, represented as four respective icons 604 in the icon strip 602. (Note that these icons are not graphical program icons, but simply represent the motion control operations that have been added to the sequence.)

Figures 8A – 8G illustrate a graphical program that has been automatically generated based on the sequence of motion control operations specified by the user in Figures 6A – 6F. (Figures 8A – 8G illustrate a single graphical program, but the size of the program requires it to be separated into multiple drawings.) Thus, the user interacts with the graphical user interface shown in Figures 6A – 6F to create a desired sequence of operations, and the graphical program of Figures 8A – 8G is automatically generated, where the graphical program is executable to perform the sequence of operations which the user specified.

Limondin simply does not teach this subject matter. As discussed above, the sequence of operations specified by the user, and the graphical program that is automatically generated in order to implement the sequence of operations, are two different things. However, the Examiner has equated both the sequence of operations and the graphical program to Limondin's step program. Limondin does not teach receiving user input to specify a sequence of operations, and automatically generating a graphical

2

program based on the sequence of operations specified by the user, i.e., automatically generating a graphical program in order to implement the specified sequence of operations.

Furthermore, Applicant submits that Limondin's step program (which the Examiner has equated with the automatically generated graphical program) is not automatically generated, and the Examiner has even explicitly admitted as much. In the Office Action of June 3, 2005, the Examiner writes that, "The step program is created by having the user graphically manipulating/editing the step icons' parameters (i.e., inputs and outputs) and connections between the icons. The execution order of the steps can also be graphically defined by the user." Therefore, Limondin's step program is created in response to direct user input. However, claim 1 recites that, "automatically generating the graphical program comprises generating graphical code in the graphical program without direct user input".

Thus, for at least the reasons provided above, Applicant submits that Limondin does not teach numerous elements of claim 1, and thus, claim 1 and those claims dependent thereon are patentably distinct over Limondin. Inasmuch as the other independent claims recite similar elements as claim 1, Applicant submits that these claims, and the claims respectively dependent thereon, are also allowable. Furthermore, many of the dependent claims include further limitations not taught or suggested by Limondin. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-58300/JCH.

Also enclosed herewith are the following items:
☒ Return Receipt Postcard
☒ Notice of Appeal

Respectfully submitted,
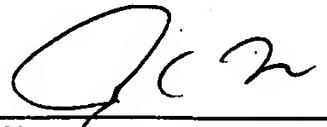
Jeffrey C. Hood
Reg. No. 35,198
Attorney for Applicants
Date: ___11/27/2006___JCH/JLB